

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3134

UNCONFIDENTIAL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2016 SEP 14 PM 8:58

September 13, 2016

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR*
Kristin D. Roser/Ben Holly *B.H.*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation –2016 July Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2016 July Quarterly Report in accordance with 52 U.S.C. § 30104(a). The July Quarterly Report was due on July 15, 2016.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalties calculation for the following committees that failed to file the report is outlined below:

The committee (AF 3122) represents a candidate that participated in the 2016 Primary in Georgia. The committee was required to file a 2016 July Quarterly Report (Q2) covering May 5, 2016 through June 30, 2016 (57 days). In order to determine the civil money penalty, an estimated level of activity was calculated using a per diem average by multiplying the previous

activity reported for the 2015-2016 election cycle (\$684,828) by 45.60% (the number of days required in Q2 (57) divided by the number of days included in the Committee's 2015-2016 election cycle reports (125)).

The committee (AF 3130) represents a candidate that participated in the 2016 Primary in California. The committee was required to file a 2016 July Quarterly Report (Q2) covering May 19, 2016 through June 30, 2016 (43 days). In order to determine the civil money penalty, an estimated level of activity was calculated using a per diem average by multiplying the previous activity reported for the 2015-2016 election cycle (\$257,711) by 30.93% (the number of days required in Q2 (43) divided by the number of days included in the Committee's 2015-2016 election cycle reports (139)).

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2016 JULY QUARTERLY Not Election Sensitive 07/15/2016 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3117	C00572537	AMERICANS SOCIALLY UNITED		CARY L. PETERSON	\$233,949	1		Not Filed	\$233,949 (est)	\$11,106
3118	C00588756	BRIAN SIMS FOR CONGRESS	BRIAN KENDALL SIMS	ANDREA LAWFUL SANDERS	\$535,449	0		Not Filed	\$267,725 (est)	\$10,935
3119	C00496927	CITIZENS SUPER PAC FOR AMERICA (CSPAC)		SIDDIQ MUMIN	\$463,130	0		Not Filed	\$144	\$144
3120	C00554253	CLAITOR FOR CONGRESS	DANIEL A. CLAITOR	CHELSEA BONNECAZE	\$120,518	4		Not Filed	\$120,518 (est)	\$12,302
3121	C00551465	COMMITTEE TO ELECT J.D. WINTEREGG	J.D. WINTEREGG	BETH COX	\$165,803	0		Not Filed	\$27,634 (est)	\$1,157
3122	C00613786	COWAN FOR CONGRESS, INC.	DANIEL COWAN	LEIGH ANN GILLIS	\$684,828	0		Not Filed	\$312,281 (est)	\$10,935
3123	C00030734	DISTILLED SPIRITS COUNCIL OF THE UNITED STATES INC POLITICAL ACTION COMMITTEE		MARK GORMAN	\$181,065	0	7/28/2016	13	\$43,269	\$611

3126	C00518365	ESPAILLAT FOR CONGRESS	ADRIANO ESPAILLAT	RAFAEL LANTIGUA	\$103,607	0	8/8/2016	24	\$9,379	\$208
3127	C00593525	ESPAILLAT FOR CONGRESS 2016	ADRIANO ESPAILLAT	RAYSA CASTILLO	\$1,070,219	0	8/8/2016	24	\$341,768	\$8,602

3129	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE		MARTIN MASCUILLI	\$113,849	3		Not Filed	\$19,804	\$1,125
3130	C00606897	MATT KOKKONEN FOR CONGRESS	MATT KOKKONEN	JACOB THOMAS	\$257,711	0		Not Filed	\$79,710 (est)	\$4,784

3132	C00150995	NATIONAL PAC INC A/K/A NATPAC		DEBORAH ANN CAPOCCI	\$195,419	0		Not Filed	\$65,139 (est)	\$3,691
3133	C00134676	PHOENIX FIRE FIGHTERS, LOCAL 493, FIRE PAC COMMITTEE		BRYAN WILLINGHAM	\$376,301	0	7/21/2016	6	\$59,878	\$1,028
3134	C00362632	SWING STATES FOR A CONSERVATIVE WHITE HOUSE PAC INC		OFFICE OF TREASURER	\$134,449	0		Not Filed	\$44,816 (est)	\$1,157

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3135	C00613216	THE CANDIDATE BILLY DAVIS INC.	BILLY DAVIS	BILLY DAVIS	\$146,000	0		Not Filed	\$17,906 (est)	\$643
3136	C00560649	TOM CARTER FOR CONGRESS	THOMAS G. CARTER	THOMAS CARTER	\$137,286	0		Not Filed	\$137,286 (est)	\$6,151
3137	C00573428	WHITWELL FOR CONGRESS	ROBERT QUENTIN WHITWELL JR.	OFFICE OF TREASURER	\$437,531	1		Not Filed	\$72,922 (est)	\$4,613
3138	C00520064	WILLIAM LLOP CPA FOR CONGRESS	WILLIAM LLOP	WILLIAM LLOP	\$312,739	0	7/22/2016	7	\$109,185	\$2,017
3139	C00592519	YUNGMAN LEE FOR CONGRESS	YUNGMAN F. LEE	GUANG QUAN WU	\$739,988	0	7/27/2016	12	\$88,669	\$2,191

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3134
Reason To Believe Recommendation -)
2016 July Quarterly Report for the)
Administrative Fine Program: Swing)
States For A Conservative White House)
PAC Inc. and Office of Treasurer .)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 15, 2016, the Commission decided by a vote of 6-0 to take the following actions in AF 3134:

- 1: Find reason to believe that Swing States For A Conservative White House PAC Inc. and Office of Treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be in the amount of \$1,157.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 16, 2016
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 16, 2016

Office of Treasurer
Swing States for a Conservative White House PAC Inc.
717 Whitehills Drive
East Lansing, MI 48823

C00362632
AF#: 3134

Dear Office of Treasurer:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period April 1, 2016 through June 30, 2016, shall be filed no later than July 15, 2016. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On September 15, 2016, the FEC found that there is reason to believe ("RTB") that Swing States for a Conservative White House PAC Inc. and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before July 15, 2016. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$1,157. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$1,157 is due within forty (40) days of the finding, or by October 25, 2016, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$44,816
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

- 1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**
If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or October 25, 2016. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Swing States for a Conservative White House PAC Inc. and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

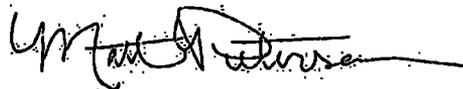
5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$1,157 for the 2016 July Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Swing States for a Conservative White House PAC Inc.

FEC ID#: C00362632

AF#: 3134

PAYMENT DUE DATE: October 25, 2016

PAYMENT AMOUNT DUE: \$1,157



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2017 JAN 24 PM 2:02

SENSITIVE

January 24, 2017

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *SWH/107*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *B.H.*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2016 July Quarterly Report

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2016 July Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, five (5) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of these cases has been provided below.

Americans Socially United (AF 3117) disclosed no activity after the RTB finding (previously estimated to be \$233,949), which would result in no civil money penalty (fine previously assessed to be \$11,106).

Committee to Elect J.D. Winteregg (AF 3121) filed a Termination Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$13,396 (previously estimated to be \$27,634), thus the fine would be lowered from \$1,157 to \$643.

National PAC Inc. A/K/A NATPAC (AF 3132) filed the 2016 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$9,134 (previously estimated to be \$65,139), thus the fine would be lowered from \$3,691 to \$386. The committee paid the civil money penalty assessed at RTB; we will therefore issue a refund for the difference (\$3,305).

Tom Carter for Congress (AF 3136) disclosed no activity after the RTB finding (previously estimated to be \$137,286), which would result in no civil money penalty (fine previously assessed to be \$6,151).

Whitwell for Congress (AF 3137) filed the 2016 July Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$72,922), which would result in no civil money penalty (fine previously assessed to be \$4,613).

- Committee to Elect J.D. Winteregg (AF 3121) filed an Amended Statement of Organization after the RTB finding designating Joseph Winteregg as Treasurer.
- The FD Penalty for International Longshoremen's Assoc (ILA) Local 1291 Political Action Committee (AF 3129) has been adjusted to accurately reflect the receipt date of the 2016 July Quarterly Report, thus the fine has been reduced from \$1,125 to \$302.

RAD Recommendation

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports with no activity, violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty.
- (3) Send the appropriate letters.

Federal Election Commission
 FD Circulation Report Fine Paid
 2016 JULY QUARTERLY Not Election Sensitive 07/15/2016 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3119	CITIZENS SUPER PAC FOR AMERICA (CSPAC)		C00496927	SIDDIQ MUMIN	10/11/2016	Not Filed	\$144	0	09/15/2016	\$144	\$144	10/7/2016	\$144
3123	DISTILLED SPIRITS COUNCIL OF THE UNITED STATES INC. POLITICAL ACTION COMMITTEE		C00030734	MARK GORMAN	07/28/2016	13	\$43,269	0	09/15/2016	\$611	\$611	10/26/2016	\$611
3126	ESPAILLAT FOR CONGRESS	ADRIANO ESPAILLAT	C00518365	RAFAEL LANTIGUA	08/08/2016	24	\$9,379	0	09/15/2016	\$208	\$208	10/27/2016	\$208
3127	ESPAILLAT FOR CONGRESS	ADRIANO ESPAILLAT	C00593525	RAYSA CASTILLO	08/08/2016	24	\$342,451	0	09/15/2016	\$8,602	\$8,602	01/13/2017	\$8,602
3132	NATIONAL PAC INC. A/K/A NATPAC		C00150995	DEBORAH ANN CAPOCCI	09/21/2016	Not Filed	\$9,134	0	09/15/2016	\$3,691	\$386	10/3/2016	\$3,691*
3133	PHOENIX FIRE FIGHTERS, LOCAL 493, FIRE PAC COMMITTEE		C00134676	BRYAN WILLINGHAM	07/21/2016	6	\$60,629	0	09/15/2016	\$1,028	\$1,028	09/26/2016	\$1,028
3139	YUNGMAN LEE FOR CONGRESS	YUNGMAN F. LEE	C00592519	GUANG QUAN WU	07/27/2016	12	\$92,826	0	09/15/2016	\$2,191	\$2,191	10/28/2016	\$2,191

* This committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty and will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding. This committee paid the civil money penalty assessed at RTB; therefore, we will issue a refund for the difference.

Federal Election Commission
FD Circulation Report Fine Not Paid
2016 JULY QUARTERLY Not Election Sensitive 07/15/2016 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3117	AMERICANS SOCIALLY UNITED		C00572537	CARY L. PETERSON		Not Filed	\$0	1	09/15/2016	\$11,106	131	NONE
3120	CLAITOR FOR CONGRESS COMMITTEE TO ELECT J.D. WINTEREGG	DANIEL A. CLAITOR	C00554253	CHELSEA BONNECAZE		Not Filed	\$120,518 (est)	4	09/15/2016	\$12,302	131	\$12,302
3121	WINTEREGG	J.D. WINTEREGG	C00551465	JOSEPH WINTEREGG	10/13/2016	Not Filed	\$13,396	0	09/15/2016	\$1,157	131	\$643
3122	COWAN FOR CONGRESS INC.	DANIEL COWAN	C00613786	LEIGH ANN GILLIS		Not Filed	\$312,281 (est)	0	09/15/2016	\$10,935	131	\$10,935
3129	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE		C00354613	MARTIN JOHN MASCUILLI	07/21/2016	6	\$19,804	3	09/15/2016	\$1,125	131	\$302
3134	SWING STATES FOR A CONSERVATIVE WHITE HOUSE PAC INC.		C00362632	OFFICE OF TREASURER		Not Filed	\$44,816 (est)	0	09/15/2016	\$1,157	131	\$1,157
3135	THE CANDIDATE BILLY DAVIS INC.	BILLY DAVIS	C00613216	BILLY DAVIS		Not Filed	\$17,906 (est)	0	09/15/2016	\$643	131	\$643
3136	TOM CARTER FOR CONGRESS	THOMAS G. CARTER	C00560649	THOMAS CARTER		Not Filed	\$0	0	09/15/2016	\$6,151	131	NONE
3137	WHITWELL FOR CONGRESS	ROBERT QUENTIN WHITWELL JR.	C00573428	OFFICE OF TREASURER	10/14/2016	Not Filed	\$0	1	09/15/2016	\$4,613	131	NONE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3134
Administrative Fine Program - Final)
Determination Recommendation for the)
2016 July Quarterly Report: Swing States)
for a Conservative White House PAC,)
Inc. and Office of Treasurer)

CERTIFICATION

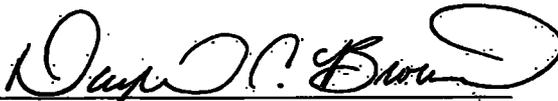
I, Dayna C. Brown, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 26, 2017, the Commission decided by a vote of 6-0 to take the following actions in AF 3134:

1. Make a final determination that Swing States for a Conservative White House PAC, Inc. and Office of Treasurer violated 52 U.S.C. § 30104(a) and assess the final civil money penalty in the amount \$1,157.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

January 30, 2017
Date


Dayna C. Brown
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 2017

Office of Treasurer
Swing States for a Conservative White House PAC Inc
717 Whitehills Drive
East Lansing, MI 48823

C00362632
AF#: 3134

Dear Office of Treasurer:

On September 15, 2016, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Swing States for a Conservative White House PAC Inc and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2016 July Quarterly Report. By letter dated September 16, 2016, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$1,157 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. You must also file the 2016 July Quarterly Report if you have not already done so.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on January 26, 2017 that Swing States for a Conservative White House PAC Inc and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$1,157 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$44,816
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be

modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted

payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Aimee Wechsler at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Steven T. Walther
Chair

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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$1,157 for the 2016 July Quarterly Report. The payment is due within 30 days of receipt of this letter.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Swing States for a Conservative White House PAC Inc

FEC ID#: C00362632

AF#: 3134

PAYMENT AMOUNT DUE: \$1,157

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3134

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